

An
Coimisiún
Pleanála

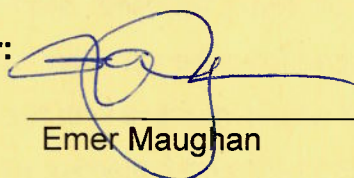
Direction
CD-020730-25
ABP-319459-24

The submissions on this file and the Inspector's report were considered at a meeting held on 19/09/2025.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:


Emer Maughan

Date: 22/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the location of the development with direct access onto the N70 National Secondary Road, at a location where the speed limit of 80km/h applies, it is considered that the generation of increased traffic associated with the proposed development by itself or by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, because of the additional traffic turning movements the development would generate on this National Secondary Road and would contravene national policy in relation to the control of development on national roads as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community

and Local Government in January, 2012, which seeks to secure the efficiency, capacity and safety of the national road network and would contravene materially Objectives KCDP 14-29 and KCDP 14-30 of the Kerry County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note

The Commission noted that site is located in an area which is designated in the current Kerry County Development Plan 2022-2028 as a Visually Sensitive Area in relation to which it is a policy of the planning authority to control development in order to protect the landscape as a major economic asset and an invaluable amenity by ensuring that any development which could unduly impact upon such landscapes will not be permitted. This designation and policy are considered reasonable. The Commission determined that the scale and design of the proposed staff accommodation development would detract to an undue degree from the sensitive rural character and scenic amenities of the area and if permitted would interfere with the attractiveness of the area and be contrary to Objective KCDP 11-77 and Objective KCDP 11-78 of the Development Plan.

In addition, the Commission considered that the proposed development would be contrary to Specific Planning Policy Requirement 7 of the Sustainable Urban Housing: Design Standards for New Apartments (2023) where there is a presumption against granting planning permission for shared accommodation / co-living development unless the proposed development is required to meet a specific demand identified by a planning authority further to a Housing Need and Demand Assessment Process. No such need was identified in the Kerry County Development Plan 2022-2028. It is considered therefore that the proposed development would constitute a substandard form of development which would injure the amenities of the occupants of the development.

Furthermore, the Commission was not satisfied based on the information submitted that a proposal to pump foul effluent in a rising main for a distance of c 500m represents a sustainable solution to the wastewater design for this site and noted the

absence of a confirmation of feasibility from Uisce Eireann to connect to their wastewater infrastructure.

The Commission decided as these matters did not emerge in the context of the appeal and are now considered new issues, that given the substantive reason for refusal set out above not to pursue them at this juncture.

The Commission fully endorsed the Inspector's reason for refusal on the basis that the proposed development would endanger public safety by reason of a traffic hazard and obstruction of road users, and agreed with the Inspector that notwithstanding the proposed provision of a private shuttlebus, that additional vehicular movements would arise and enforcement issues would arise with the use of a private shuttle service for all staff movements to and from the proposed accommodation to their place of employment which is located c.2.7 kilometres from the subject site.